

OXFORD

MAGAZINE

No. 440 Second Week Hilary Term 2022

The EJRA is one of those aspects of university life that are most easy to ignore. It's just another boring administrative blight on our academic lives, and anyway it is only of interest to one's much older colleagues. But every member of staff will be affected by the results of the 10-year review of the EJRA currently underway. The limited engagement with, and/or understanding of, the subject by most of us is suggested by the meagre response to the questionnaire sent out by the Review Group last term (243 responses, out of some 5000 canvassed) and even by the equally split division of opinions (45.3% wanted to retain it).

The first of the scheduled 'Town Hall' meetings with the Review Group took place two weeks ago. Four members of the Group were present and many pre-submitted and live questions were fielded. In a wide-ranging coverage of the issues involved it became apparent that no firm conclusions had been reached after the Group's six meetings so far, and that the Group wished to highlight its independence and freedom from prior assumptions or external pressures.

You can hardly be blamed if you have little idea what the EJRA entails. It is a complex subject, involving one's

This matters to us all

personal finances, career planning, legalistic issues and value judgments concerning the purposes of a university. The 10-year history of the EJRA has been notable for a certain veil of secrecy and poor documentation (see; *Oxford Magazine*, No. 436, 2nd Week, MT 2021) but the Review Group will be publishing its minutes – barring items where legal privilege is involved. The Group's arguments and recommendations will be data-driven, we were assured.

If there was a topic that dominated during the meeting it was pensions and this is one good reason why we all need to pay attention. The currently proposed (and contested) USS revaluation will reduce expected pension payouts dramatically and will also mean increased dues for those presently in work. Younger entrants will be the worst affected alongside older colleagues recruited without preexisting USS cover. 'Cliff edge' retirement at a fixed age (whether 68 as now or a year or two later, if that is one of the recommendations) means pension entitlement cannot be enhanced by longer working years. Many equality issues are involved here; time in the year of birthday, gender (e.g. women who take time out for their children), salary levels (affected in some cases by recognition of distinction awards, as well as

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INSIDE

● CAMBRIDGE PAST AND PRESENT
Page four

● OXFORD PAST AND PRESENT
Page seven

● QUASI-LEGISLATION
Page nine

...and much more

'recruitment and retention' salary increases) and division (e.g. clinical salaries are distinct). All affect one's pension at the point of retirement.

At the meeting it was emphasised (a) that for these reasons the EJRA raised many very real concerns regarding individual pension positions and (b) that pension reform, being nationally negotiated, would come about irrespective of EJRA considerations. But one area the Review Group seemed to be investigating was the wider promotion of USS's flexible retirement schemes: flexible, tapered retirement dates targetted at certain groups seemed to be ruled out as inconsistent with the legally justifiable EJRA 'Aims' as well as being costly to the University.

One question that had been raised was: Why is Oxford special? As one of only three UK universities with an EJRA why is Oxford different from most other UK universities; what alternative retirement schemes do they – or universities internationally and in the USA in particular – operate? David Paterson, the chair, suggested that the different circumstances in the USA were so many and so profound that their retirement policies were unhelpful to us. He also dropped a strong hint that the policies elsewhere in the UK would not be palatable in Oxford; i.e. bureaucratic "performance management" by administrators as a means of regulating staff numbers. This would necessarily have to be applied equally to all staff (even below Grade 8) and just does not fit the traditional management style and devolved structure of a collegiate university.

After pensions a second dominant theme emerged and it had evidently arisen as something of a surprise even to the Review Group. Nor is it strictly part of EJRA considerations. The Group had evidently discovered – as has repeatedly been pointed out in the pages of the *Magazine* – that the University's provisions for retirees are lamentably deficient. This matters because much of the sting of mandatory retirement could be relieved if retirees could feel (and be allowed to be) involved in University activities as long and as fully as they might wish to be after formal retirement. As one questioner pointed out, their "wisdom" ought not to be needlessly lost. This is one area where the Group could usefully collect information on current practices – these are very varied across departments – even if it cannot go so far as making recommendations. Here again is a theme that will affect all of us in due time.

If there is one elephant in the room it was EJRA extensions – which interestingly only came up obliquely at the meeting – and, more specifically, disparities in access to the 'self-funding' finances that are needed to obtain extensions beyond the EJRA retirement age. One suspects that the Group will have to delve deeply into this matter because it is another equality issue; access and requirements differ markedly between science and humanities, for example. The criteria for, the fairness and even the continuation of, the extension option will be another contentious matter that the Group cannot avoid. Two members of the Review Group present are also members of EJRA Committee, which adjudicates on applications for extensions; they reported that few applied and that most applications were granted.

The Review Group regards it as crucial that members of the University are as fully informed as possible at this stage, so that they can engage and feed back their views as the Group finalises its recommendation, hopefully by the end of this term. It has published its first tranche of data this week (behind SSO). The webpage ([https://staff.admin.](https://staff.admin.ox.ac.uk/working-at-oxford/ejra)

[ox.ac.uk/working-at-oxford/ejra](https://staff.admin.ox.ac.uk/working-at-oxford/ejra)) already includes the agendas, papers and minutes from the first five meetings of the Group, alongside a series of datasets on different aspects of our staff profile, the impact of the EJRA on turnover, and the exceptions process. It expects to continue publishing papers and datasets throughout this term.

The next Town Hall meeting is scheduled for 3rd February. You can sign up to attend it on the webpage.

We have been allowed a generous preview of some of the extensive and detailed data that the Review Group will soon be releasing. It is already clear to us that the review will have served an invaluable role in bringing into the light a wealth of hard evidence on the considerations that underpin the operation of the EJRA. But we also begin to wonder whether the complexity and multifariousness of the relevant data – including items which point to contradictory implications – may in themselves make it impossible to draw final conclusions just on this basis. Where the data indicate that the impact of the EJRA varies between staff groups, for instance, the drawing of rational conclusions depends on the reasons for the variations – and this will often be largely unknown and unknowable.

Take, for example, data on extensions, a particularly contentious aspect of EJRA but one that has allowed a number of senior academic staff to block statutory posts for several years after retirement age. 40% of extensions are in Medicine, but only 9% in Humanities. Since 2016/7 no extensions (other than one granted on re-application) were approved in the Humanities whereas in 2020/21 9 were granted in Medicine. In all staff categories the numbers have been falling considerably over the 10-year period. The Review Group will surely struggle to get at the underlying reasons for such variations. They are affected in part by differing applications numbers – but what determines these? – as well as differing success rates, the reasons for which are again going to be difficult to document.

The ultimate aim of the review is to prove or disprove the proposition that the imposition of a mandatory retirement age frees up posts for younger staff, increases turnover, facilitates gender equality, and so on (the EJRA 'Aims'). The Tables below show one source of the complexity: mandatory retirement as the explanation for the opening up of posts varies widely between grade groups, for some of which the EJRA makes little difference to the reasons for turnover. Gender disparities apply differently in these grade groups. Moreover, the sizes of the groups vary considerably. Given such data, how do you end up with a definitive calculation of the impact of retirement due to EJRA on the Aims?

The provision of the fullest-possible data by the Review Group is essential and important for many reasons. We will incidentally learn much that we did not know about our University. But it seems entirely possible that data alone will not make it possible for the Review Group to arrive at its final recommendation – whether to keep or to abandon the EJRA – because the measurable and provable benefits are likely to be marginal and would have to be weighed up against any number of unmeasurable disbenefits.

B.B., T.J.H

Sample data sets now made available on the Review Group's website

The EJRA seeks to achieve its aims through the creation of vacancies. It will make a greater difference in grades in which a larger proportion of vacancies are created by retirement.

In 2019-20, 14.4% of those who left a post subject to the EJRA retired. But that figure hides variation between grades in the proportion of leavers who left by reason of retirement.

Grade group	Reason for leaving = retirement (2011-20)
Statutory Professors	46.7%
Associate Professors	40.5%
Other academic (eg Keepers, DLs, Lectors)	2.3%
RSIVs and clinical equivalents (most senior research grades)	29.3%
Grade 8-10 research	5.7%
ALC6 (most senior administrative and professional grade)	22.4%
Grade 8-10 administrative and professional	13.1%

The EJRA will make less of a difference to the number of vacancies created in grades where vacancies tend to arise because new posts have been created, rather than existing posts falling vacant through retirement or other means. Again, the growth in the number of posts in each grade group over the last ten years varies.

Grade group	Grade growth (2011-21)
Statutory Professors	13.0%
Associate Professors	8.8%
Other academic	65.2%
RSIVs and clinical equivalents	107.1%
Grade 8-10 research	65.0%
ALC6	19.0%
Grade 8-10 administrative and prof	82.5%

The EJRA will only have an impact within a grade group if those employed within that grade group wish to remain in employment beyond the EJRA. Some grade groups generate a higher proportion of applications for extended employment than others.

NOTICE

The Editors of the *Oxford Magazine* regret that they cannot publish any material submitted to them anonymously. If the author requests publication on the basis that the author's name and university address be withheld from the readership, the Editors will consider the reasons given and in their discretion may publish on that basis; otherwise the material will be returned to the author.

Notes from Ivory Flats

ROBERT FOLEY

How old is The University?

I have worked most of my life at what they call one of the 'old Universities', set in, of course, a beautiful town, with gothic colleges scattered throughout. On a summer's day it is a pleasure to guide friends and visitors through the colleges, taking in the glories of King's College chapel towering over the green lawns, or cutting through dark and seemingly secret passages to emerge into the medieval court of Corpus Christi, or to see the wisteria-draped walls of Sidney Sussex. On a wind-swept, cold November afternoon as the darkness falls, it is less enjoyable, but even then, as chapel lights glow through stained glass windows, it remains a place of beauty.

Inquisitive visitors usually want to know all the facts – who founded Queens' College (try to avoid getting bogged down into where the apostrophes go in the various colleges names)? Where did Darwin study? Where Isaac Newton? Where Thandie Newton? Swelling with pride at the antiquity and lustre, frequently aided by a swift check on Google on the phone, one answers – by rival Queens, Margaret of Anjou and Elizabeth Woodville, Christs, Trinity and Downing respectively. If in doubt, Henry VIII or Jesus are good all-purpose answers.

People seem to be particularly interested in how old is this college or that one? This is, by and large easy, as there is usually an answer – Peterhouse, the oldest, was founded in 1284, followed (among the ones that survived, as closing colleges down is not just a twenty-first century thing) by Clare College in 1326, and so on through to Robinson in 1977. If you wonder how much of a nerd I must be to know this, it's because I'm an evolutionary biologist, and biologists I have to come up with analogies for how old life is, as 'three and a half billion' is hard to grasp. Usually one compares it to 24 hours, when life appears at 4 am, life on land around 10 pm, and humans, pause for drama, only in the last two minutes before the end of the day. Years, hundred metre races, and, for Bill Bryson, the span of Da Vinci's Vitruvian Man, all serve equally well. To add local colour, I used the foundation of the colleges for this purpose, so that Peterhouse was full of single cell organisms, and Downing dinosaurs. Good for cultivating college rivalry and groans in lectures.

Life gets a bit harder if asked 'how old is the University?' The year 1209 is claimed. I have a lapel badge saying that, the only gift I have ever received from the University, so it must be true. However, all that refers to is when some refugee migrants from Oxford moved to Cambridge, an unlikely model for celebration in these times. In 1226, Cambridge invented its own Charter, and in 1231 King Henry III made it more than self-advertising when he recognised Cambridge as a scholarly institution. The first college was founded in 1284. In practice the whole package was gradually put together over a hundred years, and so you can pretty well pick any date for the founding of the University, and any number for how old.

I pick 10 years, or thereabouts. Admittedly a bit younger than most historians would accept and undoubtedly controversial, so let me explain. At Department and other committee meetings, there are always the usual exciting items on the agenda, as there have always been – student admission numbers and quotas, timetables, use of space, what biscuits in the tea-room. These are discussed, for the most part in the same way – one colleague wants more students, another wants less, nobody wants 9am Monday or Friday afternoon, everyone hasn't got enough space, and the biscuits are impossible to resolve. But in the last decade or more a new player has crept into these discussions – 'the University'. The HoD will suggest that 'the University thinks we should have more students', or 'the University has centralised the timetable' or 'the University has imposed a formula for space allocation'. As far as I know the University has no views on biscuits other than that they must come from a preferred supplier.

It took me a while to realise the seismic shift that was taking place in Cambridge, and I am sure in other universities as well. I had, of course, across my many years as lecturer and professor, talked about the University, often very favourably, but it was never as something separate from me, from my colleagues, from the students. We were all the University. We, the University, may not have the powerful rhetoric place after of 'We the People', but it does represent the idea of the University as it was founded, and as it was over hundreds of years – a community of scholars, a mixture of students and teachers, a home for research groups, and above all, a self-governing institution. Universities vary in their governance, but at Cambridge at least, it is the Regent House, that is sovereign, and that is, broadly speaking, all the academics who provide the research, the money, and attract and teach the students. To refer to the University as anything other than this community would stray a long way from this understood usage.

And yet this is what has happened. To my younger colleagues, 'the University' is 'them'. Indeed, it is probably, in their minds, 'The University', rather than 'the University'. It is a place from which directives and instructions come. It is a place from which permission must be sought, and by which approval is granted. It is the source of power and policy, and as remote from them as the Royal Court to a medieval peasant. It is the 'they' heard so often in British discourse generally.

It would, though, be quite hard to pin down exactly who 'they' are. In my more cynical moments, it is of course Human Resources, as it is in many modern institutions, that are the dark sources of power. At other times it is a more benign amalgam of the various pro-vice-chancellors and deans and heads. More usually it is just 'the administration', or possibly 'The Administration'. I am sure there is no explicit definition of The University, nor even any self-recognition of those most likely to be The University. Maybe even within the depths of the University

administration, there are outer echelons who refer to the University as something other, and this continues in ever decreasing circles. Much as I would like to believe there are secret handshakes and mason-like meetings, the sad truth is that the power of The University comes from the fact that it is as much in our heads as in any grand or cunning plan.

How and why did we manage to change from 'We the University' to 'They the University', a move I think has happened in all universities, in some probably to an even greater extent. There is no doubt that the shift was in part due to external pressures. The call for accountability and endless reporting demanded more and more of a central response and central decision-making process. A former Vice-Chancellor said to me once, when I moaned about the increasing managerial approach, that the University was statutorily required to provide more than 500 pieces of data to central government each year.

However, much is also self-inflicted, or at least arises from the complicity between external pressures and internal strategies. Most of these revolve around the monetisation of higher education; more and more money is not just the currency of operation, but also the blood that flows through the universities arteries and veins, and money requires, again, more centralisation. We can't all have our own individual bank accounts in the university! And it is probably a sad fact of life that where money is involved, democracy goes out the door, and the more the money, the faster and tighter the doors close. The result is empowering those at the centre, and disempowering those on the periphery, and ironic as it may seem, it was the lumpen academics who were at the periphery. These doors we stare at turn out to have 'The University' written on them.

With peripheralisation comes disengagement, and so a growing acquiescence to a 'them' and 'us' world, fuelled by impossible workloads, an increasingly competitive and demanding environment in which publications and grants become the focus, and involvement in the mechanics of the University a distraction – much better to leave it to others, and to get on with the next gel/ode/archive/experiment (delete as appropriate). And so the ratchet of centralisation continues – an intimate dance of repelling actors. Stress, anxiety, increasingly ignorance of the way The University works, and ultimately subservience to hierarchy completes the process. In the deep past, egalitarian hunter-gatherers gave way to more and more hierarchical structures, and perhaps it was the same, inevitable drivers of competition, levels of work, and complexity that made it happen.

Relationships among people in universities have, in the deeper past, been communal in structure. You did things because there was a genuine sense of working together, and if the Vice Chancellor said we should help students more, or take some level of pay restraint, it seemed a reasonable arrangement among peers, rather than between employers and employees, let alone between supplier and customer (aka students). But once the University is 'The University', this appealing to better nature and collegiality has little force, and even less as the pay gap between the Vice-Chancellor and the rest yawns wider and wider – and, in my view, so much more has been lost rather than gained in that change.

I would not suggest for a moment that before The University there was a utopia of that happy community of scholars; there were many other perils and inequalities,

but the 'them' and 'us' that structured an often chaotic academic environment seemed more fluid, with individuals moving between them according to situation much more frequently and easily, and the checks and balances against centralisation more effective. I certainly felt more in control of my working life as an anonymous lecturer thirty years ago than as a senior professor in the last decade.

Can anything be done? Probably not, and perhaps those in the know (The University) are right to think that stronger hierarchies, and a citadel of decision makers, is the way in which modern universities can survive and thrive, and navigate the often hostile oceans of higher education, but I can't help feeling that a worse system has replaced a better one. My only evidence for this is crumbling morale and the stress I see around me. I would also guess that many of the more centralised processes that have been brought in to cope with the Covid emergency are likely to remain in place, enlarging the gap between what someone called Eric Blair called the Inner and Outer University¹.

So, next time I am asked how old Cambridge is, I shall release my inner pedant and ask, do you mean the University, or The University? While the University may have been founded in the mists of time, The University is a more recent and possibly sadder foundation.

¹'Last man in the university: it's 13 o'clock on campus', by Eric Blair, *Times Higher Education*, April 7, 2016

Hauberck

(On the discovery in Ireland of a complete
shirt of chain mail, 800 years old, known as a 'Hauberck'
worn by Norman Knights)

In the ,middle lands,of Laigh'n
drawn deep,within the,bog lain
black turf,dark sunk squelched,it lay
unremembered,dead clart clay;

covered,centuries,in iron
linked deep,mail shirted,in chain
each link,torqued turnings,in time
and space,Norman named,'hauberck'.

Eight hundred winters had past
since its wearer had,held fast
to build,motte mounded,bailey
in a deed done to conquer.

To subdue painted Keltoi,
to break,sword and shield, destroy
their own,ring rounded,wall forts
with bow, armoured arms,and horse.

When last,he who wore,that mail
looked on,an Irish sky,hailed
a morn,russet red,did he
let his, falcon fly, in air
to greet a new dawning there?

CATHAL MAC THRÉINFHIR

Cathal Mac Thréinfhir lives on the West Coast of Ireland near the city of Limerick. He was born in Glasgow and raised by his Irish grandparents in Ireland from the age of seven.

The Truth of Verity

after Damien Hirst's 'Verity'

Before you came, unknowing tongues were still,
with empty minds not questioning the shape
of art, preferring paintings that would steal
a glimpse of landscape, love and still-life still.
But then, with talk of you, such fun to watch
as folk began to twitch among the still
but gentle ripples, ignorantly still
believing that your form would, to a point,
impress upon the young a crisis point.
In truth, your human mother curves, though still,
are what brought movement here for us to see,
when you at last moved here beside the sea.

And when you made your journey to the sea,
within your frame of endless stainless steel,
the tongue-tied tongues of some came out to see
if you'd reflect a shadow on the sea.
Instead, your lifted pirouetted shape
was met with such applause around the sea,
as hundreds breathed you in when they could see
your inner beauty, bare, for all to watch,
positioned in your restful space to watch.
With media and writers there to see,
reporting on your welcomed vantage point,
your art-world entrance didn't disappoint.

So now, with time and tide to view the point
of you, I study all that is to see,
your arm stretched out and reaching to a point,
extending courage through your bladed point.
Yet, with your stance of power, you stand still
upon your booked stage from your lookout point,
while critics flock to share their own viewpoint.
Their thoughts perhaps restricted to the shape
around your stark, subjective bronze-cast shape,
I doubt they see beyond a green-tinged point,
preferring just to gawp and people-watch
as they spy you, whilst you just stand and watch.

So why are minds half-scared and eyes half-watch?
It's not because you brandish your sword point
or scale for justice as you simply watch
the world around you, as they stop to watch.
It's what's on starboard side they come to see;
your alloy skin peeled back for all to watch
and, looking back at them through flesh, they watch
your unborn foetus, curled up, lying still.
This innocent creation can but still
surprise your viewers as they choose to watch
subjectively the art form of a shape,
your unapologetic pregnant shape.

Although some doubters feared your fertile shape
would lead more youths to parenthood, I watch
and see awareness that's begun to shape
young minds about real strength of female shape.
Your inner truthful beauty's just one point
of how your art can change or help to shape
a town, which now takes on a tourist shape
within itself, to soak up what they see,
or choose to live and work around our sea.
It's also down to your expressive shape
that artists gain their courage in your steel,
creating and inspiring others still.

And as the night and land around stand still,
a calm air blows around your structured shape,
your focused eyes look out to keep a watch,
on guard and poised, protective to a point,
like mothers' love and strength, it's clear to see.

AMY BINGHAM

Originally from Bristol, Amy Bingham has worked as a Broadcast Journalist and a Local Government Communications Manager, and is now employed by a leading animal charity. She has always had a strong interest in the written and spoken word, and the pandemic prompted her to begin writing poetry again. Her family, four-legged friends and the North Devon landscape where she now lives are her main inspiration.

Now

This cabin once was a hole in the hillside
where confederate soldiers wintered out.
Legend says after Lee had surrendered
one came back here, a former scout,

built this place, spent his last years in its walls.
Was it here you nursed your oldest friend to
a premature death from a gangrenous
wound? Did you feed him local brews,

Mrs Swinks's moonshine, to dull the pain
and help him sleep? And at the last, did you
vow to take tokens of love to his
parents and girl? That's when you knew

you'd return to tend his grave, a promise
during his last breaths, and one you kept. See,
I'd love to consider this rustic spot
the emblem of fidelity,

friendship raised in timber and stone, relic
of the freezing winter of '62—
but it's a shack, that's all, where I live now,
what some call a room with a view,

with no history but this present time,
the only history a man can own,
a "now" on a sunny day, me and dog
Dakota, for ever, alone.

DUNCAN WU

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Can They Learn from the Train of Events? – Part I

PETER OPPENHEIMER

Few if any Oxford academics under fifty can now remember the time – back in the twentieth century – when the University had a decent governance apparatus. That is to say, one which was both effective and economical in operation, democratic and unifying in structure, constructively self-critical without vacuous navel-gazing (aka “self-assessment”), and guided exclusively by the range of academic priorities. With collective memory thus fading, one has to ponder alternatives. How is gradual strangling of the University’s values and spirit of solidarity by its own central bureaucracy now to be halted?

If the passage of time erodes memory, it also has a potentially compensating advantage. It gives the current generation fuller space to diagnose the ills bequeathed by its predecessor and to devise means of correcting them. Even so, the leadership and the determination to utilise that space may still be lacking. At the present moment Oxford’s Nominating Committee for the Vice-Chancellorship has a rare opportunity to set a curative process in motion. It should declare explicitly that retaining the office of Vice-Chancellor, and the administrative machine over which it presides, in the form which they have had for the past twenty years cannot serve the University’s purposes. Before enumerating details, I need to go back a little further in history to explain how Oxford landed in its present governance mess. Much of it was politics, but indolence on the academic side in succumbing to a fashionable nostrum was also important.

After World War II Oxford and its colleges, though not formally part of the public sector, became accustomed like other British universities to being funded predominantly by the Exchequer, through the University Grants Committee (UGC) and the Research Councils. Local authorities also contributed via student fees. In sum, higher education was essentially free at the point of use. First signs of this arrangement crumbling appeared in the 1980s under the Thatcher government, some twenty years into the long-term expansion of universities triggered by the Robbins Report (1963). While Mrs. Thatcher sought to restrict public expenditure in aggregate, her Secretary of State for Education in 1981-85 (and close ideological confidant) Keith Joseph advocated retrenchment of the university sector in particular – primarily due to his own scepticism about broadening access to university education, but also to mark disapproval of student uprisings which more than a decade earlier had spread to British universities from the continent. Sir Keith was admittedly a mere Prize Fellow of All Souls and not, like Christopher Codrington, a substantial donor – which presumably explains why the college has (so far) taken no steps to disown or ‘cancel’ him.

By the time he left office in 1985, financial pressures on universities had become fairly severe. Oxford’s response, both tactical and strategic, was measured, focussed and notably uncontentious (apart, that is, from denying Mrs.

Thatcher – and hence also her successors – the Honorary Doctorate thitherto customary for Oxonian Prime Ministers). Nobody was made redundant – and certainly no central administrators, who were far too few in number (on the order of 250) and highly valued. Rather, to begin with, academic posts which fell vacant through retirement or departure were (in a handful of cases) abolished or, more usually, left unfilled for a period of years (on a “Register of Suspended Posts” – RSP) to create financial breathing space. This unavoidably involved a random pattern of extra burden-sharing and shortages of expertise across the academic community. So the distribution of those burdens among the various departments and colleges was assessed, in order to decide which posts on the RSP should be re-filled sooner rather than later. The system – if one may call it such – was run by the General Board of the Faculties, a quintessentially democratic and universally trusted academic directorate which has no parallel in to-day’s Oxford. The General Board was also responsible for orchestrating Oxford’s compliance with the Research Assessment Exercise (in principle quinquennial, later re-named Research Excellence Framework), inaugurated at Government instigation in 1986. It was for the better part of three decades a significant determinant of Oxford’s aggregate research funding.

These tactical developments were accompanied by strategic moves to lessen Oxford’s dependence on public funding. The United States provided obvious examples to follow. In a trend-setting move for Britain, Henry Drucker, a political scientist from Edinburgh University, was appointed in 1988 as Oxford’s first head of fund-raising. Over the next six years he raised nearly £400 million. Oxford’s three-dozen colleges, some of them long accustomed to managing sizable endowments, duly began appointing their own fund-raising staff – to concentrate for the most part, as agreed in a subsequent concordat, on their own alumni, leaving other sources (foundations and enterprises) to the University offices.

Alongside these commendable policies, however, there lurked the ill-conceived nostrum referred to above. The Thatcher Government now viewed private enterprise as the sole legitimate model of management for large organisations. Some parts of the public-sector, such as the nationalised energy or transport industries, could be transformed into private enterprises. The remainder should be compelled as far as possible to ape them. The clear message to universities was that business-style management would enable them to operate on smaller budgets. They should therefore stop complaining and put their houses in order.

The message in question was, and is, utterly without foundation. Business works to a simple objective – the bottom line. That is to say, maximum profits. Which means, among other things, don’t worry about inflating costs, so long as revenue is increased by at least as much.

For universities there is no such bottom-line objective: the bottom line is a constraint, an alarm signal, a marker which alerts you when you are overspending or planning to do so. The objective, by contrast, is to optimise the range and quality of your academic activities, both educational and research – in short, everything above the bottom line, and at a distance from central management. Where these activities happen to generate “spin-off” companies (note the epithet), that is the place to invoke business principles – precisely not within the University.

Regrettably, the Committee of Vice-Chancellors and Principals, anxious to placate the Thatcher administration, embraced confusion and assembled an *ad hoc* committee to investigate “Efficiency Studies in Universities”. The result was the Jarratt Report of 1985. Sir Alex Jarratt had been elected Chancellor of Birmingham University in 1983, having transferred in 1970 from the civil service to a business career and served as Chief Executive of Reed International in 1974-82. Another significant member of the Jarratt committee was Sir Robin Ibbs, likewise a business executive, and successor to Sir Derek Rayner of Marks and Spencer as Mrs. Thatcher’s adviser on “Efficiency and Effectiveness in Government”. In the latter capacity he invented the gimmick of “Next-Steps” agencies, whereby chunks of the civil service were hived off as quasi-autonomous bodies delivering services to the population.

The mentality shaping the Jarratt Report has persisted, and deepened, up to the present day. It presents higher education as a production process to be geared to the demands of student customers. Academic personnel are line operatives. Management comprises clerical and professional staff, with a board of directors under the Vice-Chancellor as Chief Executive. One may go on stretching the metaphor – until one asks what the directors imagine themselves to be maximising in place of profits. Judging by the boastful language which has become a latter-day Oxford hallmark, notably from the Vice-Chancellor’s team and from the department of propaganda known as the Public Affairs Directorate, the answer is: reputation and image. But the analogy is misleading, as thoughtful businessmen well know. Reputation is not something instantly generated from one day to the next, like cash flow. Rather, it is built up and inherited from the long-term past; and, unless carefully safeguarded by maintaining standards, is open to gradual squandering in the future.

Post-Thatcher, in fact, the squeeze on government funding of universities continued unabated. “Diluting the unit of resource” became a catchphrase (who coined it I do not

now recall). A minor landmark was passed in 1992, when the erstwhile vocational Polytechnics were re-designated as Universities. The change of nomenclature was not inherently objectionable. Its main purpose was to herald, and to justify, further restriction of tax-payer funding for the “older” universities, to bring the latter into line with – or at least closer to – the less generous benchmarks applied to “polys”.

A far more significant landmark was the advent of the Labour Government under Tony Blair in 1997. In one way it marked a turning point. With Thatcher the underlying aspiration had been to halt and ultimately to reverse university expansion. Blair, in contrast, proclaimed what might be called “Robbins Mark 2”, setting a target of 50 percent for the fraction of relevant UK age cohorts proceeding from school to university. The target said nothing about postgraduate studies or research, and to that extent was not of immediate concern to Oxford, whose undergraduate numbers have barely changed in recent decades.

In another way, however, Blair merely intensified existing dilemmas. This applies to financial issues for the university system as a whole, along with the notion, stemming both from Jarrett and from the Thatcher regime in general, that such issues were to be alleviated, if not wholly resolved, through top-down management and flexible labour-market practices – the latter, of course, purely for academic staff, not for management itself. These themes were updated in reports from the Dearing Committee (1997) and within Oxford from the North Commission.

The primary result – at Oxford, and perhaps elsewhere – has been to inflict on the University in the opening decades of the 21st century an unprecedented layer of costly administrator-bureaucrats, who have reinforced their position by making every effort to exclude the academic community from any genuine role in the University’s governance. Among further consequences at one remove have been misuse of fund-raising capacity (including unwarranted emphasis on the tourist trade); indifference to academic standards; and aggravated pressures on the local environment. Hence the foregoing suggestion that the Nominating Committee for the next Vice-Chancellor should concern itself with the University’s governance machine as a whole, and should seek to bring about restoration of healthier priorities.

[To be concluded]

The quasi-legislation that regulates us

G.R.EVANS

In the Noughth Week issue of the *Magazine* David Pal-freyman drew attention to the proposal to add Equality and Diversity ‘selection criteria’ to the factors to be considered alongside the candidate’s record in teaching and research, in assessing individuals for academic appointments. What form could such a requirement take in the hierarchy of Oxford’s domestic legislation, and would Congregation know it had been added? Would it even be obvious where it might be found?

Statute changes are rare but Congregation always gets its say as the University’s legislative governing body. New Regulations and Regulation changes are published in the *Gazette* week by week, affecting many aspects of life and work in the University. Regulations are not made by Congregation but, even though interventions have been few and far between, they may in principle be objected to – or amended – by Congregation Resolution,

On the other hand the creation of rules, codes of practice and diverse requirements on employees below the level of Statute or Regulation, is not always brought to Congregation’s notice in the *Gazette*. They are not necessarily flagged up either in the *University Bulletin*. They are often simply published online, and often without a clear statement of their authority and the date when they were created.¹ And yet quasi-legislation of this kind dictates many aspects of our working lives in the University.

* * *

Oxford’s Statutes and the hierarchy of subordinate legislation below them are a legacy of the reforms prompted by the North Commission of Inquiry. The current Statutes were drafted by a Working Party chaired by Derek Wood. The new Statutes were published for Congregation’s consideration in the form of a consultation in the *Gazette* in a Supplement on 25 July 2001. The draft was slightly modified in the light of comments received and published as a Resolution in a Supplement to the *Gazette* on 8 November 2001. Full *Explanatory Notes* were provided, supporting the view that ‘the current laws of the University’ were ‘in desperate need of overhaul’. As the *Preface* to the present Statutes explains, their creation was the first time in the history of the University that it had ‘repealed the whole of its existing legislation and replaced it with an entirely new code’.²

One of the important intended improvements was simplification. The North Commission had ‘recommended that the statutes of the University should be confined to the basic laws of the University which are unlikely to require frequent change’ and that domestic laws on other matters should be stripped out of the statutes and placed in subordinate legislation ‘where they can be altered more easily’. Decrees should be abolished, reducing the legislative hierarchy to two levels, Statute and Regulation.³ The new briefer Statutes were to be numbered alphabetically, replacing the historic ‘Titles’. Combined with modernised language it was suggested that this would ‘make the statutes much more readable and accessible’.

The role of Congregation – as the University’s supreme legislative body – was respected in the making of the new Statutes and Regulations. Council had previously enjoyed a general power to make, amend, and repeal subordinate legislation not inconsistent with the Statutes, and to authorise any other body or person to do so. These must be published in the *Gazette* or on the University’s website with a brief description and a link to the full text (Statute VI, 15-20). Regulations, though always open to challenge by Congregation, were therefore still not actually to be made by Congregation. This remains the situation.

However, there was to be a single exception to the rule that ‘under existing legislation, Congregation does not have power to enact regulations directly’, in that it was recognized that the Congregation Regulations to be made under the new Statutes should have the approval of Congregation, so, after consultation, a Resolution in a Supplement to the *Gazette* on 13 February 2002 set them out and was duly approved by Congregation.

There have been piecemeal amendments to this radically new legislative framework. Changes to the Statutes since 2002 have been put through the required process of approval by Congregation, and in the case of the Queen-in-Council Statutes they have been approved by the Privy Council. The online published texts of the Statutes and Regulations include a note of the date of any revisions, so it is possible to trace such adjustments, though at the expense of considerable time in looking each of them up in the relevant *Gazette*.

The success of the principle that Oxford’s legislation should be reduced to two levels only by abolishing Decrees seems open to question in the light of the proliferation of a legion of quasi-legislation (the rules, guidance and codes of conduct below the level of Regulations whose creation is not noted in the *Gazette*). The *Gazette* merely makes available a list of all ‘legislative proposals, changes to regulations and other business’ submitted to Congregation and published in the *Gazette* during the academic year.⁴ The *University Bulletin* does not fill the gap. Nor should it. It is not the University’s organ of historical record.

Cambridge’s partial solution: a ‘Technical Review’ of the Statutes?

The problems arising from the proliferation of quasi-legislation are not confined to Oxford. Cambridge has faced a similar situation, one heightened by the difference that its Statutes (which all require Privy Council approval), Ordinances and the recently created Special Ordinances all require direct consent by the Regent House as its governing body (Statute A, III, 1-3). Each can be added to the University’s domestic legislation only by the approval of a Grace (counterpart of a Congregation Resolution).

On 24 November and 1 December 2009 an extended Discussion was held on a *Report* recommending changes to Cambridge’s counterpart of Statute XII, which proved as controversial as Oxford’s changes to Statute XII de-

bated between 2014 and February 2017.⁵ The Chair of the Law Faculty Board, who had chaired the Working Party on these proposals noted that it had been:

‘unhappy that many of the principal procedural safeguards were put in these Codes rather than in Ordinances, especially when the Codes could be amended by Council without further authority.’

He was pleased to see a requirement now ‘that changes in Codes of Practice must be approved by Grace’. But he put on record ‘a residuary concern’:

*‘I think if we ourselves had been asked to draft everything we should have drawn a clearer line between Ordinances containing mandatory rules and procedures and Codes of Practice containing commentary or advice. We do not like the mixture of musts, shoulds, wills, mayes, and ‘it is good practice’ which pepper the Codes of Practice in their present form.’*⁶

A concern had emerged more than a decade after the creation of Cambridge’s own set of new Statutes following Cambridge’s ‘North Report’, the Wass Syndicate’s *Report on the government of the University* (1989).⁷ Two decades on from the creation of its own new Statutes and Ordinances Cambridge was failing to keep the annual publication of the Statutes and Ordinances tidy Grace by Grace. The Board of Scrutiny, itself created as a Wass recommendation,⁸ regularly published comment in its *Annual Reports* on the operation of the University’s governance and its conduct of its business. The Board began to call for revision of the University’s statutes in its *Seventh Report* in 2002, when it drew attention to a recent:

‘undesirable habit of implementing changes in the way that things are run first, and bringing the Statutes and Ordinances into line with the changes afterwards.’

Also fundamental, it suggested, was that when Graces were approved changes were slotted in, sometimes without inconsistencies being noticed.

In its *Eighth Report* in 2004, after the defeat of governance-change proposals, the Board of Scrutiny recommended that the University should embark on a complete revision of the Statutes and Ordinances but the Council argued in response that that must depend on the outcome of any future review of governance. In its *Tenth Report* in 2005 the Board suggested that the University’s handling of the Higher Education Role Analysis requirement had raised constitutional questions because it ‘cuts across the traditional distinction between University officers and assistant staff, a ‘fundamental matter which requires radical and open revision of Statutes and Ordinances’. In its *Eleventh Report* in 2006 the Board sought ‘once again’ to ‘draw attention to the increasing discrepancy between the University’s current practices and the published *Statutes and Ordinances*.’ It now considered that urgent, though requiring consultation about its ‘compass’. The call continued in the Board’s *Thirteenth Report* in 2008 and thereafter until it formed the basis of recommendations in a Council Report in the *Reporter* of 16 June 2010 and was taken forward as a ‘technical review’.⁹

This review was not to involve changes to the legislation, simply its reordering and renumbering. However, an important adjustment was made to the anomaly that the General Board could create Ordinances without a Grace. Such ‘Ordinances made by the General Board on its own

authority’ were to be ‘redesignated as regulations (or under some other terminology) to avoid confusion with Ordinances approved by Grace’. Below this level come Regulations, not approved by Grace, but published in the volume of *Statutes and Ordinances*. This was done.¹⁰

Another significant change was to be the innovation of Special Ordinances as a third category of legislation requiring a Grace. The intention was to provide an appropriate place to which to remove material which did not need to be enacted at Statute level but was of higher importance than the subject-matter proper for an Ordinance. A main point of controversy to arise was the proposal to demote below Statute level Cambridge’s counterpart to Statute XII (then Statute U).¹¹ This still lingers as a Schedule to the new Statute C pending its eventual demotion to Special Ordinance.

In 2010, attempts were made to tidy up the currently muddled rules for creating ‘codes of practice, guidance, handbooks etc., some approved by the Regent House, some not, some collated with the Statutes and Ordinances, others not’. In the case of some ‘codes of practice or procedure, such as those for student complaints or review procedures’, an ‘Ordinance places an obligation on the Council to prepare a procedure’. There was ‘other guidance, codes of practice etc.’, not ‘approved by the Regent House’ or ‘made under the direct provisions of the Statutes or Ordinances.’ These must at least be consistent with the provisions of the Statutes and Ordinances and with the ‘primacy of the Statutes and Ordinances’ made clear on their face.¹² The Regent House approved the repeal of the existing Statutes and enacted the new ones on 12 July 2013.¹³

Cambridge’s ‘Technical Review’ attempted little more than a reorganisational tidying up, for it was obvious that anything more substantive would be the work of many years. Even that has not quite resolved the problems which prompted it. The proliferation of quasi-legislation has plainly not abated, though there has been a valiant attempt to provide a list of links. That takes the enquirer to more and more sets of guidance and rules, and to further ‘guidance’, though sometimes behind Raven (SSO) access.¹⁴

* * *

The privilege of creating its own domestic legislation is allowed to both Universities under the *Oxford and Cambridge Universities Act* of 1923. That protection, soon to be a century old, is only too vulnerable to future Parliamentary intervention. One of the reasons for the *Franks Commission Report* of the 1960s and the *North Commission Report* thirty years later was the importance of both Universities being able to demonstrate that they were well able to take reform in hand internally when it was needed.

It could be argued that further review of their developing legislation and quasi-legislation would now be timely. It would be no small challenge. Cambridge’s volume, in its 2020 version (with the 2021 pdf. expected by the end of February this year) runs to 1136 pages. It is only too easy to fail to notice an unforeseen implication of any change. When the *Reporter* moved to digital-only publication there was no adjustment of the rule that once a Grace was published on a Wednesday, members of the Regent House would have until 4.00 on the Friday afternoon of the following week to collect signatures for a Non Placet before it was deemed to have been approved. On 6 January this year a Grace setting and authorising tuition fees for the

following year was published out of term in an Advance Notice in the online *Reporter* with a deadline of 14 January, though no *Reporter* was due for publication until 12 January. After some correspondence, the Grace was withdrawn by the Vice-Chancellor on 13 January, avoiding a possible challenge to the validity of the legislation. That was caught in time but how many other temptations to litigation such as those hinted at in David Palfreyman's article may be lurking, especially in the quasi-legislation of both universities?

⁷The Student contract requires students to agree to comply with them. By accepting your Offer you agree to comply with the University's Statutes and Regulations as amended from time to time and with the Statements and Codes of Policy, Practice and Procedure which are made under them, <https://www.ox.ac.uk/sites/files/oxford/University%20Terms%20and%20Conditions%202022-23%20for%20matriculated%20%28degree%20course%29%20students.pdf>.

⁸<https://governance.admin.ox.ac.uk/legislation/preface-constitution-and-statute-making-powers-of-the-university#collapse1380426>

⁹Supplement (1) to *Gazette*, 25 July, 2001.

¹⁰For example, <https://gazette.web.ox.ac.uk/congregation-2021/22>

¹¹*Reporter*, 9 December 2009.

¹²<http://www.admin.cam.ac.uk/reporter/2009-10/weekly/6171/section8.shtml>

¹³*The Report of the Syndicate appointed to consider the government of the University*, (Wass Report), *Reporter* 1988-9, pp.613-46. A Syndicate is a committee of the Regent House.

¹⁴Statute A, VII, made up of the Proctors and directly-elected members of the Regent House. This published an annual *Report* to the University in the *Reporter*. That was routinely followed by a Discussion of the Senate, with remarks made published verbatim and a Notice published (though not always speedily) by the Council in response.

¹⁵*Reporter*, 16 June 2010.

¹⁶'The General Board shall have the power to make regulations about any matters within its responsibility, such regulations not to be inconsistent with the provisions of any Statute, Ordinance or Order, and to be published' (Statute A, V, 1(d)).

¹⁷*Reporter*, 16 June 2010.

¹⁸*Reporter*, 16 June 2010.

¹⁹Grace 3 of 3 July 2013.

²⁰<https://www.legal.admin.cam.ac.uk/university-statutes-regulations-policies>.

How to initiate Congregation actions

How to trigger a debate or discussion in Congregation

It is open to any 20 or more members of Congregation to propose a resolution or topic for discussion at a meeting of Congregation; requests must be made in writing to the Registrar not later than noon on the 22nd day before the relevant meeting. Any 2 or more members of Congregation can submit an amendment to, or announce an intention to vote against, a resolution or a legislative proposal (*i.e.* a proposal to amend the statutes). Notice must be given to the Registrar (in writing) not later than noon on the 8th day before the meeting.

Questions and replies

Any 2 or more members of Congregation may ask a question in Congregation about any matter concerning the policy or the administration of the University. Requests must be submitted to the Registrar (in writing) not later than noon on the 18th day before the Congregation meeting at which it is to be asked. The question and the reply (drafted by Council) will be published in *Gazette* in the week prior to the relevant meeting. The answer is also formally read out at the meeting. Supplementary questions are allowed.

Postal votes

Attendance at meetings of Congregation tends to be low. Postal voting can potentially allow opinion to be easily accessed more widely across Congregation membership. Congregation can trigger a postal vote after a debate (but not after a discussion or a question and reply where no vote is taken). 25 or more members of Congregation have to be present ("on the floor") at the relevant debate. The request must be made by 4pm on the 6th day after the debate, signed by 50 members of Congregation, in writing to the Registrar. Council can also decide to hold a postal ballot, by the same deadline.

Flysheets

To generate a flysheet for publication with the *Gazette*, the camera-ready copy (2 sides maximum) should be submitted with at least 10 signatures on an indemnity form (obtainable from the Registrar) by 10am on the Monday in the week in which publication is desired.

Regulations governing the conduct of business in Congregation can be found at: <http://www.admin.ox.ac.uk/statutes/regulations/529-122.shtml>

Items placed on the agenda for Congregation are published in the *Gazette*.

The Congregation website is at: www.admin.ox.ac.uk/councilsec/governance/congregation.

Advice on Congregation procedures is available from the Council Secretariat on request (email: congregation.meeting@admin.ox.ac.uk).

Reading people strategically

Sir – The University's 2021 Staff Experience survey (*Oxford Magazine*, No. 439, 0th Week, HT 2022) made for depressing reading although I was encouraged that those of us in the Medical Sciences Division seem to be doing rather better. The enforced social isolation caused by the SARS-COVID-19 pandemic has only exacerbated existing pressures.

I wonder if staff at a low ebb might consider playing or learning bridge, the most popular card game in the world? Bridge offers a great way of making new friends and keeping the little grey cells active. The Oxford Bridge Club holds sessions for all standards and welcomes new members, as I discovered when I retired. Now the Club offers online games as well as face-to-face bridge. The website has plenty of information: (<http://www.oxfordbridgeclub.com/>)

The skills required for playing bridge at the highest level include "an ability to read people and scenarios strategically, and to respond with discipline to changing and sometimes demoralising situations" (*Microsoft Word - Playing Your Life Practical Summary.docx* (bridgemindsport.org)).

Oxford university staff should have no problem.

Yours sincerely

SUSAN BURGE

Green Templeton College

TO THE EDITOR

Bureaucratic ping-pong

Sir – Readers of my recent remarks on the latest in self-aggrandisement by the UAS ("Beware New Turns of the Screw", *Oxford Magazine* No.439, Noughth Week Hilary Term 2022) may be amused by the following little postscript.

Shortly before Christmas I was alerted to the fact that my retiree's University card was to expire on 17th January and that its renewal must be requested. When I did so, the University Card Office was told by the Pensions office (part of either Finance or Estates – the location is unclear) that my USS pension "was deferred" and that my application must be supported by documentary proof (such as a P60) that I was now drawing it. My pension was indeed deferred – from 2005 (when I attained the age of 67) until 2008 (when I actually retired)! A mere fourteen years ago, give or take.

Enough said, one might think. Actually, I have since come across several other applicants who were similarly subjected to bureaucratic ping-pong around different sections of Wellington Square – including

IT services, it being not revealed in the first instance that non-renewal of one's University Card results in deletion of one's University e-mail. Killing two tedious old birds with one stone, obviously.

Yours sincerely,

PETER M. OPPENHEIMER

Christ Church

The *Oxford Magazine* is edited by

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&
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The *Magazine* normally appears in Noughth, Second, Fifth and Eighth Weeks each Term. Submissions (preferably by e-mail to: tim.horder@dpag.ox.ac.uk, benjamin.bollig@mod-langs.ox.ac.uk) should be received by the Wednesday of the previous week.

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Oxford Magazine

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*Subscriptions normally run from
September for a full academic year,
but can be started at any time.*

CONTENTS

No. 440 Second Week Hilary Term 2022

This matters to us all BEN BOLLIG AND TIM HORDER	1	Now DUNCAN WU	6
Notes from Ivory Flats ROBERT FOLEY	4	Can They Learn from the train of Events? – Part 1 PETER OPPENHEIMER	7
Hauberk CATHAL MAC THRÉINFHIR	5	The quasi-legislation that regulates us G.R.EVANS	9
The Truth of Verity AMY BINGHAM	6	To the Editor SUSAN BURGE, PETER OPPENHEIMER	12

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